THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.26934 OF 2006

Date:27th December 2006

Between:

1. Makam Anand, s/o M.Gopal Krishna,
   aged 40 years, r/o D.No.12/270,
   Potti Sriramulu veedhi, KadapaTown,
   Kadapa District and 5 others.

... Petitioners.

And

The Commissioner, Kadapa Municipal Corporation,
Kadapa, Kadapa District.

... Respondent.

* * *

ORDER:

The matter is coming up for admission. Sri S.I. Newton takes notice on behalf of the respondent. Heard Sri J.Janaki Rami Reddy, learned counsel representing the writ petitioners.

2. The writ petition is filed for a writ of Mandamus to declare action of the respondent corporation in making markings and threatening to demolish the shops belonging to the petitioners bearing D.Nos.19-136, 19-137, 19-146, 19-150, and 19-151 situated at Madras Road, Kadapa Town, Kadapa District, without issuing any notice and without following due process of law under Sections 146 and 147 of the Municipal Corporation Act or under

the Land Acquisition Act, as illegal, arbitrary and violaltive of Articles 14 and 21 of the Constitution of India; and consequently direct the respondent not to take any coercive steps and pass such other suitable orders.

3. It is stated that the petitioners are absolute owners and possessors of shops bearing D.Nos. 19-136, 19-137, 19-146, 19-150 and 19-151, situated at Madras Road, Kadapa Town, Kadapa District. It is also stated that on 18.12.2006 the officials of the respondent corporation came to the shopping complex of the petitioners and threatened to demolish the portion of the said shopping complex for the purpose of widening the Madras Trunk road and made some markings on the said complex.

4. In view of several facts and circumstances explained, this court is of the considered opinion that the writ petition be disposed of directing the respondent not to proceed with any demolition activity in relation to the subject matter of the writ petition unless and until due process of law is followed.

5. The writ petition is disposed of accordingly. No order as to costs.

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(P.S.NARAYANA, J.)

Date: December 27, 2006.

BSB